

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DWAYNE MONTGOMERY,  
Plaintiff,  
v.  
M. CULLUM, et al.,  
Defendants.

No. 2:22-cv-1156 KJM KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. For the reasons stated herein, defendants' request to file a status report on or before April 16, 2024, is granted.

On July 18, 2023, the court granted defendants' request to stay this action because the pending criminal battery charges against plaintiff concerning defendants Pesce and Culum were intertwined with plaintiff's excessive force claims against defendants. (ECF No. 28.) The court ordered defendants to file bi-monthly status reports addressing the status of the criminal charges pending against plaintiff in Amador County. (Id.)

On September 7, 2023, defendants filed a status report requesting leave from their bi-monthly obligation to file status reports. (ECF No. 29.) On September 27, 2023, the court granted this request. (ECF No. 30.) The court ordered defendants to file a status report on or before February 16, 2024. (Id.)

1 Defendants filed a status report on February 8, 2024. (ECF No. 32.) Defendants state that  
2 plaintiff's previous trial date of February 2, 2024 was vacated in Amador County Superior Court  
3 after plaintiff's attorney moved for a continuance. (Id. at 2.) Defendants state that plaintiff is  
4 presently pending a Trial Readiness Conference on March 8, 2024, and trial has not yet been re-  
5 set. (Id.) Defendants request until April 16, 2024, to file their next status report. (Id.)

6 Good cause appearing, defendants' request to file their next status report on or before  
7 April 16, 2024, is granted.

8 Accordingly, IT IS HEREBY ORDERED that the stay in this action remains in effect;  
9 defendants shall file a status report addressing the status of the criminal charges against plaintiff  
10 in Amador County on or before April 16, 2024.

11 Dated: February 12, 2024



CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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